

Docket No. 4271-4036US3
Express Mail No.

↑AFFIX CUSTOMER NO. LABEL ABOVE ↑

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))

COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- | | |
|--|---|
| (1) Brian G. Agee San Jose, California 95125 | (8) Mary Jesse Issaquah, Washington 98029 |
| (2) Matthew Bromberg San Jose, California 95123 | (9) Robert Lee Maxwell Duvall, Washington 98019 |
| (3) Derek Gerlach Mountain View, California 94040 | (10) Robert G. Mechaley, Jr. Lexington, Massachusetts 02173 |
| (4) David Gibbons Redmond, Washington 98053 | (11) Robert Ray Naish San Jose, CA 95128 |
| (5) James Timothy Golden Carnation, Washington 98014 | (12) David J. Nix Issaquah, Washington 98029 |
| (6) Minnie Ho Palo Alto, California 94043 | (13) David James Ryan Seattle, Washington 98103 |
| (7) Elliott Hoole Redmond, Washington 98053 | (14) David Stephenson San Jose, CA 95129 |

For: **HIGHLY BANDWIDTH EFFICIENT COMMUNICATIONS**

Enclosed Are:

- 181 page(s) of specification
1 page(s) of Abstract
73 page(s) of claims
124 sheets of ☐ Formal ☒ Informal drawings

14 page(s) of Declaration and Power of Attorney

- ☐ Unsigned
☐ Newly Executed
☒ Copy from prior application
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of

an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

**Incorporation by Reference:**

The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.



Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))

Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.



Microfiche Computer Program (Appendix)



page(s) of Sequence Listing



computer readable disk containing Sequence Listing



Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same



Assignment Papers (assignment cover sheet and assignment documents)



A check in the amount of \$40.00 for recording the Assignment



Charge the Assignment Recordation Fee to Deposit Account No. _____, Order No. _____.



Assignment Papers filed in the parent application Serial No. 08/993,721



Certification of chain of title pursuant to 37 C.F.R. §3.73(b)



Priority is claimed under 35 U.S.C. §119 for:
Application No(s). _____, filed _____, in _____ (country).



Certified Copy of Priority Document(s) [_____]

☐ filed herewith

☐ filed in application Serial No. _____, filed _____.



English translation document(s) [_____]

☐ filed herewith

☐ filed in application Serial No. _____, filed _____.



Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. _____, filed _____.



Information Disclosure Statement



Copy of [_____] cited references



PTO Form-1449



References cited in parent application Serial No. 08/993,721, filed 12/18/97.



Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)



A copy of related pending U.S. Application(s) Serial No(s): _____, filed _____, respectively, is attached hereto.



A copy of related pending U.S. Application(s) entitled, _____, filed _____ to inventor(s), respectively, is attached hereto.

- ☐ A copy of each related application(s) was submitted in parent application serial no. _____, filed _____.
- ☒ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☒ continuation ☐ divisional ☐ continuation-in-part of prior application serial no. 08/993,721, filed December 18, 1997, which is a continuation of application serial no. 08/804,619, filed February 24, 1997, (now abandoned) to which priority under 35 U.S.C. §120 is claimed.
- ☒ Cancel in this application original claims 1-10, 61-70, 113-122 and 157-233 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until _____.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence:
This is a continuation of co-pending application Serial No. 08/993,721, filed December 18, 1997.

| I. CALCULATION OF APPLICATION FEE | | | | |
|--|--------------|---|-----------------|------------------------------|
| | Number Filed | Number Extra | Rate | Basic Fee \$710.00/355.00 |
| Total Claims | 158- 20 = | 138x | \$18.00/\$9.00 | \$ 2484.00 |
| Independent Claims | 24- 3 = | 21x | \$80.00/\$40.00 | \$ 1680.00 |
| <input type="checkbox"/> Multiple Dependent Claims | | If marked, add fee of \$270.00 (\$135.00) | | \$ 0.00 |
| TOTAL: | | | | \$ 4874.00 |

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$_____.

- ☐ A check in the amount of \$ _____ in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. _____ Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☐ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. ____ Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: Aug 3, 2001

By: Michael S. Marcus

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Docket No. 4271-4036US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Agee et al.

Batch No:

Serial No.: Cont. of 08/993,721

Group Art Unit: Unassigned

Filed: August 3, 2001

Examiner: Unassigned

For: HIGHLY BANDWIDTH EFFICIENT COMMUNICATIONS

SUBMISSION OF SUBSTITUTE DRAWINGS

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Attached hereto please find one hundred sixteen (116) sheets of formal drawings. Please replace the drawings filed in the accompanying continuation application with the attached substitute drawings in accordance with the Preliminary Amendment filed on even date.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4271-4036US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN L.L.P.

Dated: Aug. 3, 2001

By: Michael S. Marcus

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Registration No. 31,727
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